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Specially Appearing for Chapter 7 Debtor Aracely Feria, aka Aracely Cruz

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

JUAN FRANCO and ARACELY FERIA

Plaintiff,

vs.

COUNTRYWIDE HOME LOANS, et al.,

Defendants

) Case No.: 09-cv-02280-RLH-GWF

) RESPONSE TO FEBRUARY 4, 2011

) ORDER; NOTICE OF CHAPTER 7

) BANKRUPTCY FILIN G BY MS. FERIA

) AND IMPOSITION OF AUTOMATIC

) STAY, DECLARATION OF CHRISTINA .A.

) DiEDOARDO

**RESPONSE TO FEBRUARY 4, 2011 ORDER; NOTICE OF CHAPTER 7**  
**BANKRUPTCY FILIN G BY MS. FERIA AND IMPOSITION OF AUTOMATIC STAY,**  
**DECLARATION OF CHRISTINA .A. DiEDOARDO**

COMES NOW CHRISTINA A. DiEDOARDO, specially appearing for Plaintiff Aracely Feria and hereby declares:

1. I am an attorney licensed to practice law before all of the Courts of the States of Nevada and California as well as the Ninth Circuit Court of Appeals. I have personal knowledge of all facts contained in this declaration.
2. On December 24, 2010, I filed a Chapter 7 bankruptcy petition on behalf of Ms. Aracely Feria, also known as Ms. Aracely Cruz, whom is one of the plaintiffs in this action. That case remains pending in the United States Bankruptcy Court for the District of Nevada as case no 10-33839.

- 1 3. In accordance with the provisions of the United States Bankruptcy Code, this case
- 2 was listed as one of Ms. Feria's assets. Accordingly, as of December 24, 2010 it
- 3 became the property of Ms. Feria's Chapter 7 bankruptcy estate.
- 4 4. The Bankruptcy Court has assigned Ms. Feria's case to Mr. Brian Shapiro, Chapter 7
- 5 Trustee. As a result, Chapter 7 Trustee Shapiro is the party who has operational
- 6 control of Ms. Feria's claim in this matter in the course and scope of his service as
- 7 Chapter 7 Trustee.
- 8 5. After I received a copy of the Court's February 4, 2011 order, I forwarded it to
- 9 Trustee Shapiro and asked for permission to file this response so that this Court could
- 10 be made aware of the bankruptcy and that the Chapter 7 Bankruptcy Estate's freedom
- 11 of action could be preserved until Trustee Shapiro could evaluate whether he wished
- 12 to pursue the claim on behalf of Ms. Feria's unsecured creditors or to abandon it back
- 13 to Ms. Feria.
- 14 6. Trustee Shapiro has advised me that he intends to abandon this claim back to Ms.
- 15 Feria. However, until that is done in the bankruptcy court or the case is closed, the
- 16 asset remains the property of Ms. Feria's Chapter 7 bankruptcy estate.
- 17 7. Accordingly, I respectfully request that this Court *stay* all proceedings in this case and
- 18 *set* a status check not sooner than 90 days out to determine the status of Ms. Feria's
- 19 bankruptcy case.

20 I declare under penalty of perjury that the foregoing is true and correct, except as to those  
21 matters stated upon information and belief and as to those matters, I believe them to be  
22 true.

23 Dated this 24<sup>th</sup> day of February, 2011

24 /s/ Christina A. DiEdoardo

Christina A. DiEdoardo

Nevada Bar No. 9543

Specially Appearing for Ms. Feria

25 **IT IS SO ORDERED.**

  
CHIEF U.S. DISTRICT JUDGE

DATED: March 2, 2011